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ELECTION COMMISSION, INDIA

NOTIFICATION

New Delhi, the 28th September 1957

S.R.O. 3275.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 481 of 1957, presented to the Commission on the 10th September, 1957, under section 81 of the said Act, by Pandit Ram Nath Kalia, son of Pandit Ved Rishi, Village Chintpurni, Police Station Amb, District Hoshiarpur (Punjab), calling in question the election to the House of the People from the Kangra constituency of that House of Shri Hem Raj, Village Dharmshala, District Kangra and Shri Daljit Singh, Village Bhallari, P.O. Santokh Garh, Tehsil Una, District Hoshiarpur.

To

The Election Commission, India,
New Delhi.

Pandit Ram Nath Kalia, son of Pandit Ved Rishi, Village Chintpurni, Police Station, Amb, District Hoshiarpur (Punjab), a candidate at the election to Lok Sabha from Kangra Parliamentary Constituency.—Petitioner.

1. Shri Hem Raj, son ofVs.Caste Sud, Village Dharmshala, District Kangra.
2. Shri Daljit Singh, son ofCaste Harijan, Village Bhallari, P.O. Santokh Garh, Tehsil Una, District Hoshiarpur.—Respondents.

Election Petition calling in question the election to Lok Sabha from Kangra Parliamentary Constituency, under section 100 of the Representation of the People Act (No. 43 of 1951).

The petitioner submits as under:

1. That the petitioner was a candidate to the Lok Sabha from Kangra Parliamentary (double member) Constituency.
2. That general election for the two seats in the Lok Sabha from Kangra Parliamentary Constituency was held in the months of January—July, 1957.
3. That nomination papers for the constituency were filed on behalf of 8 candidates, namely, Sarvshree Ram Nath Kalia, Hem Raj, Daljit Singh, Kultar Chand, Bhagwan Dass, Shanker Singh, Rup Singh and Sohan Lal. The last date for filing nominations being 29th January, 1957.

All these nomination papers were held to be valid on scrutiny. Out of these 8 candidates validly nominated one of them, Shri Sohan Lal, withdrew his candidature within the time prescribed i.e., on 4th February, 1957 and the names of the remaining 7 candidates, namely, (1) Ram Nath Kalia, (2) Kultar Chand, (3) Daljit Singh, (4) Bhagwan Dass, (5) Rup Singh, (6) Shanker Singh and (7) Hem Raj, were exhibited on the Notice Board of the Returning Officer of the said Constituency.

4. That Shri Rup Singh, one of the seven contesting candidates, gave notice of retirement from the contest on 18th May, 1957.

5. That the poll in this constituency was held from 2nd June, 1957 to 15th July, 1957.

6. That the Election Commission, India, notified that the polling in this Constituency would take place from 24th February, 1957 to 14th March, 1957. By another Notification dated 16th February, 1957 the Election Commission changed these dates and the polling was notified to commence from 21st June, 1957 and to end on 30th June. By third Notification dated 25th April, 1957, the Commission notified that the Election would commence from 2nd June, 1957 and would end on 25th June, 1957. The Returning Officer with the approval of Election Commission postponed the polling in Spiti area from 25th June to 2nd July, 1957. (vide his letter as per Annexure).

7. A further change in the dates of the polling was effected through a telegram by the Returning Officer in which the petitioner was intimated that the polling in Lahaol area was fixed for 2nd July, 1957 and Bara Bongal for 14th July, 1957. This telegram purported to have been despatched on 25th June, 1957, and was delivered to the petitioner on 29th June, 1957 at Kulu nearly a distance of 150 miles of impassable area with many glaciers in the way.

8. That the result of the election was announced on 27th July, 1957 by the Returning Officer and the respondents Nos. 1 and 2 were declared duly elected.

9. That the votes received by each candidate are as follows:—

1. Ram Nath Kalia	... 15,739
2. Kultar Chand	... 61,245
3. Daljit Singh	... 73,783
4. Bhagwan Dass	... 10,794
5. Rup Singh	... No Ballot boxes were placed for him.
6. Shanker Singh	... 53,730
7. Hem Raj	... 71,531

10. That the election of successful candidates is void and is liable to be set aside on the following grounds amongst others:—

(a) That the respondents, their agents and other workers with the consent of the Respondents made a systematic appeal to the voters in that constituency to vote for the Respondents in the name of caste, and Baradri for the furtherance of the prospects of their election; this appeal unduly influenced the voters and materially affected the election and thus distributed a poster entitled as "Kashtriya Ghirat Bahti Chahng Mahasabha Punjab Ka Mutlkkha Allan".

(b) The Respondents, their agents and workers held a meeting at Gagret on 28th May, 1957 in which they declared that to vote for petitioner is to vote for Maliks (high caste land owners who are hated as oppressors of the poor throughout the Constituency). They further declared that to vote for Respondent No. 1 is to vote for their own caste as the Respondent No. 1 is a Sud by caste.

11. That the Respondents and their supporters procured assistance for the furtherance of the prospects of the election of the Respondents from persons serving under the Government. Particulars are given below:—

(a) That the Respondents, their workers and agents managed to have the petitioner arrested illegally with the assistance of the officials, at Garhdiwala Polling Station in Hoshiarpur District on 2nd June, 1957, so that he could not reach his electors or propagate his cause.

(b) That certain Lambardars, namely, (1) Ram Lal of Nari, Police Station Amb, in Hoshiarpur District, (2) Sant Ram of Chhappoh, Police Station Amb, in Hoshiarpur District, and (3) Ram Asra of Gangot near Bharwain, District Hoshiarpur were found making false propaganda against the petitioner at Polling Station No. 53, at Challali Dehra Gopipur Assembly Constituency on 11th June, 1957, and were found threatening the electors of the area saying that if they voted for the petitioner they would also be arrested as the petitioner had already been placed bars by the Government. This materially prejudiced the minds of the elector.

(c) That on 20th June, 1957 at Kulu Polling Station No. 33, at Civil Rest House, in Kulu Assembly Constituency, the Polling Officer, namely, Sardar Partap Singh was found actually making a false propaganda against the petitioner in dissuading the electors not to vote in favour of the petitioner on the ground of his being arrested at Garhdwala in the close collaboration of the returned candidate—Shri Hem Raj, Respondent No. 1. This matter was brought to the notice of the Presiding Officer and also the Returning Officer.

12. That on 20th June, 1957, the supporters of the Respondents committed a mal practice by getting a Harijan voter named Gyan Chand to impersonate his father-in-law Shobhi and to vote for him. After casting his votes in the Legislative Assembly, he was caught red handed while casting his vote to Parliamentary seats at Polling Station No. 32, Kulu, Tehsil Building, Kulu in Kulu Assembly Constituency.

13. That the Ballot Boxes were not placed in the order in which they ought to have been placed. This misled the ignorant voters in casting their votes. This also materially affected the result of the election.

14. That the Returning Officer in utter disregard of the provisions of Section 55-A of the Representation of People Act of 1951 failed to provide ballot boxes for candidate Shri Rup Singh who had filed the notice of retirement from the contest but who had failed to serve a notice within time as prescribed under Section 55-A of the Representation of People Act. His notice in the prescribed form should have been delivered to the Returning Officer on any day not later than 10 days prior to the date or the first of the dates fixed for the poll under Clause (d) of Section 30 of the Representation of People Act i.e. on or before 14th February, 1957 and his failure to give this notice in time does not tantamount as retirement as so. Ballot Boxes should have been placed inside the Polling Compartment. This non-placement of the ballot boxes has materially affected the result of this election, it being a breach of mandatory provision of the election law. This procedure completely, invalidates the poll and makes the poll as no poll at all. The changes of the subsequent dates of pollings is no ground for disregarding the provisions of Section 55-A of the Representation of People Act of 1951.

15. That the Returning Officer did not publish the list of the contesting candidates in the official gazette as laid down in Section 38 of the Representation of the People Act of 1951 read with Rule 11. Sub-Clause 5 of the Representation of People (Conduct of Elections and Election Petitions) Rules, 1956. This non-compliance with the statutory provision of the law vitiates the whole election proceedings.

16. That the election symbol of Shri Shanker Singh, a contesting candidate in this constituency for Lok Sabha was changed after the allotment of Symbol without any Notification or intimation. He was first allotted a "Standing lion within circle" then "Human Hand" and finally an "Elephant". This is also an infringement of the rules of Representation of People Act, which has affected the results of election materially.

17. That the Petitioner has deposited a sum of Rupees one thousand as Security for the cost of this petition in the Government Treasury in favour of the Secretary, Election Commission, India, New Delhi, as required by Section 117 of the Representation of the People Act of 1951 and the Government Treasury receipt showing deposit is enclosed herewith.

It is, therefore, humbly prayed that the election of the Respondents No. 1 and 2 be declared to be void and the petitioner be allowed costs against the Respondents No. 1 and 2.

RAM NATH KALIA, Petitioner.

Verification

I do hereby verify that paras 1 to 17 of this petition are true to the best of my knowledge and belief and to the best of my information received by me and believed to be true.

DELHI,

Dated: 10th September 1957.

RAM NATH KALIA, Petitioner.

ANNEXURES

1. A copy of the Election Commission, India's Notification No. 464/10/56(5) dated New Delhi, April 25, 1957 amending its previous notification No. 464/10/56 dated the 19th January, 1957 as amended by its notification No. 464/10/56(2), dated the 16th February, 1957 changing the dates of polling in Kangra Parliamentary Constituency.

2. Letter No. 2393/2394/E in original dated Dharamsala, the 5th June, 1957 from the Deputy Commissioner and Returning Officer, Kangra Parliamentary Constituency received by the Petitioner on 12th June, 1957, at Chintpurni intimating the postponement of poll in Spiti Area from 25th June, 1957 to 2nd July 1957 in respect of 5 Polling Stations.

3. A copy of the letter dated Kulu, the 20th June, 1957 time 11-55 A.M. handed over personally by the Petitioner to the Deputy Commissioner, Kangra and Returning Officer, Kangra Parliamentary Constituency, camp Kulu, requesting him to take action against Lala Hem Raj, Respondent No. 1.

4. A telegram dated Dharamsala 25th June, 1957, from the Returning Officer delivered to the petitioner at Kulu on 29th June, 1957, conveying date of polling in Lahaul area fixed 2nd July and Bara Bhangal 14th July together with two covers one bearing the date 25th June 1957 at Chintpurni in Urdu writing and the other with Post Office stamp of "Kulu 29th June, 1957, 8-0 A.M."

5. Confirmation letter No. 2750/2751/E dated Dharamsala, the 24th June, 1957 from the office of the Deputy Commissioner and Returning Officer, Kangra Parliamentary Constituency conveying date of polling in Lahaul Area fixed 2nd July and "Bara Bhangal 15th July."

6. An Urdu poster printed in Ajit Press, Hoshiarpur entitled 'Kshetriya Ghirat Bahti Chahng Mahasabha Punjab Ka Mutlikka Allan'—"Nivedak Karam Chand Hazin Retired Tehsildar General Secretary Kshetriya Ghirat Bahti Chahng Mahasabha Punjab"—an appeal to that caste and Baradri for voting in favour of the Respondents.

7. A receipt from the State Bank of India showing a deposit of Rupees one thousand as Security deposit as set forth in Para. 17 of the petition.

List of Particulars

(1) A poster entitled as "Kshetriya Ghirat Bahti Chahng Mahasabha Punjab Ka Mutlikka Allan" was published by Karam Chand Hazin, Retired Tehsildar, General Secretary, Punjab Kshetriya Ghirat Bahti Chahng Mahasabha Punjab, Bazar Vakilan, Hoshiarpur, during the months of May and June which was printed at Ajit Press Hoshiarpur and pasted and displayed at Gagret, Chururu, Thattal, Amb, Anandpur, Kangra, Dharamsala, Palampur, Bhowarna and many other places in the Constituency on different dates by their workers as set forth in para. No. 10(a) of the petition.

(2) An election meeting was held at Gagret on May 28, 1957 and addressed among others by Hans Raj of Akrot in Hoshiarpur District and Kaka Ram of Gagret Mandal Congress Committee as set forth in para. No. 10(b) of the petition.

(3) The Respondent was arrested on 2nd June, 1957 at Garhdiwala, Hoshiarpur District at the instance of—

(i) Shri Pushpendra Nath of Garhdiwala, Polling Agent of Shri Daljit Singh, candidate, Respondent No. 2.

(ii) Shri Jagdish Mitter, Lecturer, Government College Tanda who was presiding Officer at Polling Station No. 88 at Khalsa High School, Garhdiwala in Mukerian Assembly Constituency.

(iii) Shri Sadhu Ram President, Congress Committee, Garhdiwala as set forth in para. No. 11(a) of the petition.

(4) On 11th June, 1957 at Chalali Polling Station No. 53 in Dehra Gopipur Assembly Constituency propaganda was made against the petitioner, threats given to electors and minds of the electors were prejudiced by the following—

i. Ram Lal Lambardar of Nari, Police Station Amb, District Hoshiarpur.

ii. Sant Ram Lambardar of Chhapproh, Police Station Amb, District Hoshiarpur.

iii. Ram Asra Lambardar of Gangot, near Bharwain, District Hoshiarpur.

iv. Kartar Singh Hartian Congress worker and Polling Agent of the Respondents at Chalali.

v. Shri Ram Nath, Presiding Officer at Polling Station, Chalali.

vi. Mr. Ram Parkash, Polling Officer, at Polling Station Chalali.

vii. A Sikh Police Constable on duty at Polling Station Chalali as set forth in para. No. 11(b) of the petition.

(5) At Kulu Polling Station No. 33, Civil Rest House, in Kulu Assembly Constituency on 20th June, 1957, (1) Shri Partap Singh, Polling Officer, at Polling Station No. 33, Civil Rest House, Kulu, in Kulu Assembly Constituency, and (2) Shri Hem Rai, Candidate, Respondent No. 1, were prejudicing the electors against the petitioners inside the Polling Station as set forth in para. 11(c) of the petition.

(6) At the Polling Station No. 32, Tehsil Building, Kulu in Kulu Assembly Constituency, one Gian Chand, Harijan of village Dhalpur impersonated for his father-in-law as set forth in para. No. 12 of the petition.

(7) On 2nd June, 1957 at Garhdiwala Polling Stations No. 88 and 90 in Mukerian Assembly Constituency (1) Shri Sukhdev Singh Sothi, Presiding Officer, and (2) Shri Jagdish Mitter, Presiding Officer and on 11th June, 1957 at Polling Station Chalali No. 53 in Dehra Gopipur Assembly Constituency Shri Ram Nath Presiding Officer had not placed the Ballot Boxes in their respective Polling compartments for misleading Ignorant and prejudicing interest of the Petitioner as set forth in para. No. 13 of the petition.

(8) Shri N. Khosla, Returning Officer, and Deputy Commissioner, Kangra, did not place any ballot boxes for Shri Rup Singh, candidate, throughout the constituency from 2nd June to 15th July 1957, as set forth in para. No. 14 of the petition.

(9) Shri N. Khosla, Returning Officer, and Deputy Commissioner, Kangra, did not publish the list of contesting candidates in the official gazette even upto the time when elections were over for all Lok Sabha seats except from Himachal and Kangra Parliamentary Constituencies as set forth in para. No. 15 of the petition.

(10) Shri N. Khosla, Returning Officer, and Deputy Commissioner Kangra, did not send any intimation as to when and why was the new symbol of Elephant allotted to Shri Shanker Singh as set-forth in para. 16 of the petition.

RAM NATH KALIA, Petitioner.

Verification

I do hereby solemnly declare and verify that the annexure and particulars as set forth from No. 1 to 7 and No. (1) to (10) respectively are true to my knowledge and belief and to the best of my information received by me and believed to be true.

RAM NATH KALIA, Petitioner.

DELHI,

Dated: 10th September 1957.

The poster being in regional language is not being published.

[82/481/57.]

By order,

DIN DAYAL, Under Secy.

